

QUID NOVI

Journal des étudiant-e-s
en droit de l'université McGill

McGill Law's
Weekly Student Newspaper

Volume 33, n°16
6 mars 2012 | March 6th 2012



QUID NOVI

QUID NOVI

3661 Peel Street
Montréal, Québec H2A 1X1

<http://quid.mcgill.ca/>

EDITORS IN CHIEF

Amanda Petrakis
Hélia Taheri
Thomas Gagnon-van Leeuwen

ASSOCIATE REVIEWERS

Katherine Abarca
Alexandra Belley-McKinnon
Ivana Cescutti
Eliza Cohen
Kelly Cohen
Giselle Davidian
Kai Shan He
Alexandra Lazar
Angèle Périllat-Amédée
Catherine Hamill
Audrey Mayrand
Golnaz Nayerahmadi
Anh Thang Nguyen
James Nowlan
Laura Scheim
Daniel Tsarevsky

LAYOUT EDITORS

Katherine Abarca
Jérémy Boulanger-Bonnely
Nicholas Choinière
Kai Shan He
Maxime Puteaux
Gabriel Rochette

STAFF WRITERS

Ludovic Bourdages
Jonathan Brosseau
David Groves
Alexandre Michaud
Vincent Ranger
Michael Shortt
Derek Zeisman

CARTOONIST

Andrew Baker

WEBMASTER

Jérémy Boulanger-Bonnely

*Journal des étudiant-e-s
en droit de l'université McGill
McGill Law's Weekly Student Newspaper*

*Volume 33 n°16
6 mars 2012 | March 6th 2012*

WHAT'S INSIDE? QUEL EST LE CONTENU?

ÉDITO	3
TUITION HIKES: WHAT ARE WE DEBATING?	4
TUITION HIKES: WHY WE SHOULD BE WORRYING	5
ENTRE ROUGES ET VERTS: UNE VISION JAUNE DES DROITS DE SCOLA- RITÉ	7
SUR LE RÉFÉRENDUM D'UNE LEVÉE DE COURS	8
GOVERNANCE AT MCGILL AND THE JUTRAS REPORT	11
THREE QUESTIONS EVERY LAW FIRM WILL ASK YOU DURING THE COURSE AUX STAGES	14
AVVOCATO: CAFETERIA UPDATE	15
THE ROBOCALL PROBLEM	17
QUICK QUESTIONS FOR THE LSA	18
UN/SOLICITED ADVICE: MOOT EDITION	21
OVERHEARD AT THE FAC	23


WANT TO TALK? TU VEUX T'EXPRIMER?

Envoyez vos commentaires ou articles avant
jeudi 17h à l'adresse : quid.law@mcgill.ca

Toute contribution doit indiquer le nom de
l'auteur, son année d'étude ainsi qu'un titre
pour l'article. L'article ne sera publiée qu'à la
discretion du comité de rédaction, qui

basera sa décision sur la politique de
rédaction.

Contributions should preferably be submitted as
a .doc attachment (and not, for instance, a
".docx").



HÉLIA
TAHERI

Co-Editor in Chief

SHORT & SWEET SUBMISSIONS

Recently, we Editors in Chief have been discussing how to increase student participation in the Quid with respect to both readership and submissions.

Misconceptions we would like to dispel:

1. In order to be published in the Quid, you have to write about serious issues of law, politics or the stock market.

WRONG! You can write about anything. Literary works are my favourites!

2. In order to be published in the Quid, you have to write more than 500 words.

WRONG! Let this editorial be proof that there is no word minimum!

On veut vous entendre, votre voix; qu'elle utilise les mots pour dépeindre une image romanesque ou qu'elle donne un simple avant-goût, qu'elle soit audacieuse ou timide, qu'elle soit bavarde ou discrète, qu'elle parle de la politique ou de la vie, elle est votre voix et nous voulons l'entendre.

**JULIE
WILSON**

Law /

TUITION HIKE: WHAT ARE WE DEBATING?

I would like to suggest that much of the debate over the tuition increase in Quebec has been targeted at the wrong question:

The issue is not, in my view, how much university should cost. The cost of education has a mechanical relationship with the quality and quantity of services offered; and the present change in policy is not primarily targeted at either. I occasionally hear the whiff of a suggestion that, because education is valuable, basic accounting identities don't apply. This is obviously ludicrous, and is a disservice to the pursuit of accessibility. It is of course possible to argue that we should spend less on education. But in this newspaper there have been calls for expanded facilities and emphatic support for better compensating the university's administration. I don't believe that anyone is truly arguing for lower costs.

Instead, this debate is about who should pay. And there are compelling reasons that the answer should be all of us, students and non-students alike. Benefits of higher education are not captured by individuals alone, but spill over to others in the form of a more tolerant and enlightened society, with greater potential for innovation and good governance. This is widely recognized by economists and other social scientists.

But there are also reasons that some of the costs of university should be borne privately: students benefit from university by (among other ways) increasing their earning power. This is true regardless of whether you think the earning potential of graduates is sufficiently high. It seems unreasonable to suggest that those who don't enjoy this benefit should pay as much as those who do.

The obvious answer seems to be that costs should be shared between students and the public, ideally alongside government-subsidized loans to help students overcome credit constraints. Indeed, this is the general policy that much of the world has adopted, and is the recommendation of the OECD.

The optimal balance is, however, less obvious. The increase in tuition fees represents a large change in students' budgets; for this reason, I think that more advance notice should be given so that students and families could plan accordingly. But in terms of the distribution of total costs, the change is marginal: the vast majority of the costs will continue to be shouldered by the public-at-

large. Deciding which exact proportion is ideal requires rigorous analysis of budgets and fiscal policy, for which I believe we as laypeople – even well-educated laypeople – are not especially well-equipped. In particular, I think resistance to the fee increase is somewhat evident of a well-known psychological bias called “anchoring”: when we're unsure of a correct value, all estimates display a bias towards one we were initially given, (even when the initial value was determined by spinning a wheel!).

For this reason, I will not defend a particular cost-structure as “ideal.” But I would like to suggest two considerations that I think have received insufficient attention in the present debate:

The first is the possibility for higher education to be regressive: that is, public subsidies for university may disproportionately benefit those with high incomes. The most disadvantaged in society are left behind long before they reach university, and many, if not most, of those who enrol could pay more than they do. We should therefore consider the possibility that public money might engender greater equality even in terms of access to higher education if devoted to other social programs.

Second, I think there is a danger of undervaluing life paths that do not include university education. Careers in trades are often (wrongly, I believe) considered less ambitious and are less respected. While this view may be less prevalent in Quebec than elsewhere, it is arguably reflected in fiscal policy that makes everyone pay the high costs of university education, regardless of whether they attend or not. A recent book by a philosophy-PhD-turned-mechanic puts the argument well.

Given the complexity of making these choices, my default position is to respect how universities and governments, with more information and expertise, choose to allocate their respective resources. I therefore plan to vote “no” in the upcoming referendum on the symbolic strike, but remain open to arguments that I should vote differently. But I am only open to arguments that recognize that someone must pay. There is a danger that, as students, our position will be seen as self-interested and unprincipled. If we collectively oppose the fee hike, we must take extra care to ground this in precise, dispassionate reasoning, lest our position be seen as merely one of preference.

CATHERINE
LE GUERRIER

Law I

TUITION HIKE: WHY WE SHOULD BE WORRYING

I chose to study in Law at McGill primarily to receive a genuine intellectual punch in the face that would force me out the far too comfortable bubble of unchallenged opinions in which I lived. Now that I've received the punch, in the form of Julie Wilson's "What are we debating" which I had the honour to read a full 48 hours before you unlucky souls, I find it would be inappropriate to complain. But I would not be a true Quid Reader if I didn't take the time to answer.

The article clearly identifies the core of the debate: Who should pay for education? Yet I believe it falsely assumes that the price of University cannot be lowered without sacrificing the quality of education. The allocation of resources is one of the main questions raised by students opposing the hike: as Universities are dedicating funds to competing against one another, and as the number of management staff is increasing at the expense of teaching staff, the importance of the choices we make in defining the role of the University (and their impact on its financial needs) becomes obvious. And when it comes to costs of pure mismanagement, exemplified beautifully by UQAM's infamous Îlot voyageur project, it becomes difficult to see why students should bear the costs through increased tuition fees.

The argument for placing the costs of education on students is premised on the "education equates higher salary" argument. This is a perfectly valid premise, which luckily can give rise to more than one solution. If the educated make more money, they will pay more income tax, while those who did not benefit from education

will pay less. The Ministry of Education estimates that difference to be about 400 000\$, confirming that the "user pays" logic is sound. Yet financing university through income tax, shifting the moment when the user actually pays, is a better way to apply the principle. It addresses capacity to pay by sparing a certain percentage of income, preventing individuals from having to live on loans. It recognises that not all degrees confer the same financial advantage; that lawyers and engineers cash in quicker than social workers and philosophy majors. It recognises that even among one category of professionals, salary disparities are current; that some lawyers have chosen to practice privately while others are dedicated to the public sector, or that women still earn only 71 cents for every dollar earned by men. The user still pays, but at a pace he can afford, without imposing through the accumulation of debt the "standard" life path which he is expected to take.

I do not deny that the government remains our universities' most important contributor, providing 65,8% of education funds, and that the hike will only bring that contribution down to 63,4%. However, 24 years ago that number was 87%: the anti-hike movement is battling a whole understanding of education, and the steady decrease of that funding over the years, not simply this small shift. To directly answer the argument of a potential "regressive" aspect of low tuition fees: the money the government will save with this hike is minimal: it represents about 300 million, not enough to permit the development meaningful of social programs. Yet placed on the shoulders of individuals, it represents much more – enough to pre-

vent at least 7,000 people per year from securing a place in a university classroom. Probably the 7,000 students that increase the socio-economic diversity of our classrooms and enrich our learning experience. To answer the "anchoring" argument, I must point out that the actual fees are not based on wheel spinning: they were calculated, and have permitted the creation and maintenance of the whole of Quebec's post-secondary education system. The actual fees have been tested year after year. I concede they provide a tight budget, but I do believe it is not as tight as we collectively imagine it to be, and the hike will only help it minimally, consisting in a shift in financing. (I cannot fully develop the argument against the alleged "underfunding" suffered by universities, but I strongly recommend taking a glance at the IRIS study on the question.)

Finally, I am truly thrilled to address the question of non-academic paths. I agree that they should be promoted much more actively, and think that the CEGEP system does a great job with programs in Québec. I also believe that they should be more valued in every socio-economic class. Just as I respect carpenters and their career choice but deplore the fact Malcom X was told to become one rather than a lawyer for reasons of skin color, I would deplore for some skilled students resolve half-heartedly to study in a technical program because they could not afford their Polytechnic dream. Another point that must be made is that of Québec's particular academic situation. The francophone with a post-secondary education was something of a myth two generations ago. Even secondary education was pre-

carious, and important reforms were put in place in 1961 to assure its stability. The CEGEP and "Université du Québec" systems were created in 1967 and 1968 to provide mass access to academia for a first generation of Québécois. Still today,

40% of Québec university students are first generation students. I believe as a society we are far from having reached to point of university-mania that would require us to take a step back. We still need to take steps forward toward true accessi-

bility of post-secondary education and all the benefits it can bring both to society and individuals.

The hike threatens this vision of accessible education.

THE MCGILL HUMAN RIGHTS WORKING GROUP'S IMMIGRATION AND REFUGEE PORTFOLIO,
IN PARTNERSHIP WITH THE CAREER DEVELOPMENT OFFICE, ARE PLEASED TO INVITE YOU TO THE SECOND ANNUAL:

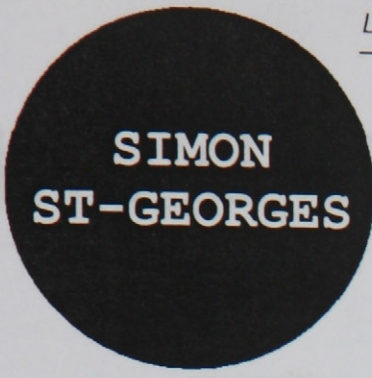
SPEED MEET IN IMMIGRATION AND REFUGEE LAW

LE MERCREDI, 14 MARS
DE 18H - 20H

FACULTÉ DE DROIT DE MCGILL- ATRIUM
RSVP : immigrantandrefugeerights@gmail.com

AVEC LA PARTICIPATION D'UNE DIZAINE D'AVOCAT(E)S DE DIVERS MILIEUX.





**SIMON
ST-GEORGES**

ENTRE ROUGES ET VERTS

UNE VISION JAUNE DES DROITS DE SCOLARITÉ?

Chers Rouges, chers Verts,

J'ai écouté et parfois subis tous vos arguments ainsi que leurs versions remâchées de parts et autres sur les frais de scolarité. Si plusieurs ont évoqué leur mécontentement quant à la forme, je me concentrerai exclusivement sur le fond. Sans citer de noms ou d'études, j'écrirai librement sur la majorité des opinions véhiculées jusqu'à présent et le manque de perspective que je leur attribue.

Merci aux Verts de chercher à faire comprendre que l'endettement pour l'éducation est un moindre mal puisqu'il s'agit d'un investissement humain et économique bien insuffisamment valorisé dans notre société d'hyperconsommation. Verts ou Rouges, nous devons tous comprendre que le calcul à faire est néanmoins bien complexe; il doit simultanément considérer la nature et le poids de la dette en évaluant celle de l'étudiant d'aujourd'hui, de l'étudiant de demain, des parents, des contribuables... sans oublier celle du Québec. Pas le genre de balancement qui se fait en un article ou par une étude. Pas non plus le genre de balancement strictement économique qui peut être isolé d'une vision sociale et de considérations politiques.

Merci aux Rouges de démontrer que la hausse des frais n'est pas une solution de financement à moyen ou long terme tout en martelant que la logique d'utilisateur/payeur comporte de grandes limites et désavantages quant à son application à l'éducation. Je pense qu'il est rassurant de voir que les valeurs socio-démocrates sont encore vivantes dans notre société. Par contre, dans le cas

de ceux qui veulent alors en toute cohérence baisser les frais ou même les abolir, vous penseriez à tort que de convertir de nouveaux amis ou de manifester contre la hausse est une victoire en soi. Au contraire, à force d'encre invoquer la gratuité scolaire, le modèle québécois des années 70 ou d'autres modèles internationaux lorsqu'il est temps de monter aux barricades, vous contribuez à l'érosion de la crédibilité de vos arguments. Verts ou Rouges, les porteurs d'une position basée sur la conscience sociale doivent justement prendre acte de la réception de leurs idées en société et éventuellement chercher à les adapter si elles ne passent pas. Similairement, une personne socialement concernée doit être vigilante dans l'utilisation d'arguments budgétaires pour éviter de ne sombrer dans un argumentaire de « pas dans ma cour » ou pire encore, de pensée magique.

La vigilance dans un débat prompt à la polarisation des idées est justement ce que je propose ici en me proclamant comme un « Jaune ». J'utilise l'analogie du feu de circulation pour rappeler qu'il importe de prendre position, mais que cette dernière doit surtout relever d'un raisonnement adéquat et d'une perspective suffisante. Doivent être posées plusieurs questions pertinentes et complexes. Devons-nous nécessairement maintenir un gel pour protéger l'accessibilité de l'éducation ou n'y a-t-il pas de solutions mieux adaptées? Devrions-nous payer des frais d'usagers d'un système d'éducation postsecondaire bénéficiant à l'individu et à la société? Avons-nous les bonnes priorités budgétaires au Québec? Comment percevoir le financement universitaire dans l'absolu et en relation avec les autres

pays/provinces? Comment l'investissement dans l'université québécoise pourrait-il être mieux rentabilisé? Est-ce que la hausse est conséquemment nuisible ou tout de même bénéfique vis-à-vis tous ces facteurs? Indépendamment de sa justesse, le dégel est-il trop rapide ou trop considérable? Quel genre de manifestation ou de mobilisation est la plus appropriée pour exprimer nos idées sur les points précédents? Et bien d'autres encore...

Le Jaune n'est pas une position comme telle, mais en revanche ni le blanc, ni le noir, ni toute autre couleur ne saurait étiqueter adéquatement la somme des réponses que vous fournirez à ce genre de questions. L'idéal Jaune est une méthode pour distinguer les excuses des réponses, éviter les faux débats tout en considérant les potentielles solutions à court terme et à long terme. De plus, nous ne pouvons pas exclusivement nous concentrer sur ce qui nous divise pour espérer arriver à des résultats concrets. Par exemple, je soumets qu'une augmentation des prêts et bourses ou un remboursement post-études pourrait être au mieux une réussite, au pire, un pas dans la bonne direction. À l'aide de volonté individuelle ou d'un quelconque forum étudiant, nous devrions orienter le débat vers ce genre de pistes de solutions, pendant et après la grève étudiante.

Pour ce qui est des Rouges ou Verts purs et durs, je vous encourage tout de même à continuer de vous mobiliser et avec un peu d'espoir, vous constaterez peut-être un jour que vos positions campées ne sont pas pour autant irréconciliables.

MICHAËL
LESSARD

Law /

SUR LE RÉFÉRENDUM D'UNE LEVÉE DE COURS

To be honest, I wonder what I can tell you that hasn't already been said about the tuition hike. From what I've observed, both sides are asking for accessible, quality education. The issue at stake is how we achieve that. Since the announcement of the hike, the debate has been polarized between two approaches to education. The first is that education should, above all, benefit the community. It operates as a vehicle to level differences between racialized and gendered groups and help develop critical thinking that allows citizens to embrace democratic life. The other view is that education is a tool for individuals to get a job and to make money, an investment in your personal life. I believe we all hold both views, yet we do not value both to the same degree.

I consider education at an accessible price to be a virtue. Personally, I would not have enough money to be studying with you folks if it wasn't for the Millennium Scholarship program – a program that does not exist anymore. Considering that, I'll gladly reimburse my tuition once I'm making money, at a rate proportionate with my pay. That's called income tax.

Yet, I know that there is a limit to taxation. For this reason, I would like to propose one of many alternative ways of creating income for the state. I invite you to search "FSSEP CADEUL" on YouTube for a detailed explanation as the space is lacking here to give you a full presentation. That being said, before looking for other income sources, we should all question the efficiency of university management with regards to the spending of money. After all, Québec universities have more money per student than any other provinces according to Statistics Canada.

Il est normal de se demander pourquoi nous devrions chercher d'autres sources si on peut faire payer les étudiants. Après tout, ils bénéficieront des meilleurs salaires. Cependant, ils

n'ont pas nécessairement cet argent maintenant. Les étudiants devraient travailler plus me direz vous. J'aimerais être d'accord, mais présentement les étudiants travaillent environ en moyenne 20 heures par semaine. De nombreuses études sérieuses ont démontré que si un étudiant travaille plus de 15 heures semaines, la qualité de son étude diminue grandement. De plus, ce ne sont malheureusement pas tous les étudiants qui pourront travailler l'été dans des cabinets et faire de bons salaires comme nous. En fait, la conjoncture économique fait en sorte que les étudiants ont de moins en moins d'emploi à temps plein durant l'été et plutôt des emplois à temps partiel, toujours selon Statistique Canada.

Alors, avec de moins en moins de temps pour étudier, la qualité d'éducation de chaque étudiant sera amoindrie. Ce phénomène va affecter l'étudiant personnellement même après son parcours académique. Au-delà, cela va aussi affecter tous les individus qui recevront des services de cet étudiant. En connaissance de cause, j'ai l'impression qu'il est plus logique de faire payer les étudiants quand ils seront complètement sur le marché du travail et auront plus de revenus : après avoir reçu leur diplôme.

Il semble alors que la hausse actuelle des frais de scolarité est exécutée d'une manière à menacer l'accessibilité à l'éducation ainsi que sa qualité. En tant que membres de la communauté universitaire, bassin de réflexion sur l'amélioration de notre société, et en tant qu'étudiants en droit dont l'ensemble de la carrière influencera la loi, la structure même de notre société, nous avons la responsabilité accrue de participer à l'exercice démocratique de notre société.

Depuis 2007 déjà, il existe un débat de société autour de la présente hausse des frais de scolarité. Malheureusement, c'est un débat de sourd où le gouvernement reste fermé aux

propositions du corps étudiant, des professeurs et des autres partis politiques. Tous les moyens démocratiques pacifiques ont été tentés durant les dernières années avant d'en arriver à une levée de cours. Il y a eu de nombreuses pétitions, des débats médiatisés, des discussions sur les commissions des études et les conseils d'administration de toutes les institutions scolaires postsecondaires du Québec, des rencontres avec les députés et les ministres.

Malgré tout, le gouvernement Charest a refusé de discuter de bonne foi avec les différents acteurs politiques. Il est vrai que la prérogative du gouvernement lui permet de prendre des décisions sans l'accord de la population. Il est également vrai que c'est la prérogative, sinon le devoir, de la population de se faire entendre par le gouvernement. Dans l'échelle des moyens de communication pacifiques, il ne reste maintenant que la levée de cours. C'est pourquoi il y a aujourd'hui près de 100 000 étudiants en grève partout au Québec et que nos collègues de droit de l'UQAM et de l'Université de Montréal déjà ont voté une levée de cours.

En 191 ans, les étudiants de la Faculté de droit de McGill ne se sont jamais prononcés sur la

scène politique en votant pour une levée de cours symbolique. Qu'est-ce que ça nous révèle sur notre participation à la démocratie ? ou sur l'apathie même des étudiants de la Faculté ? Nous avons, il ne faut pas se le cacher, une réputation conformiste. C'est à cause de cette image qu'advenant la décision collectivement de prendre une seule journée pour nous exprimer, ce choix aura un énorme poids qui bénéficiera l'ensemble des étudiants de la province. C'est d'ailleurs au moment où la levée de cours a été votée par la Faculté de médecine de l'Université de Montréal que beaucoup de citoyens se sont intéressés au débat. Malgré le petit nombre d'étudiants, le prestige et la crédibilité de cette Faculté ont servi à améliorer la communication et la réflexion autour de l'enjeu des frais de scolarité. Est-ce que nous oserons participer au débat de société ?

P.S. Seven out of the eight general student strikes of Québec were successful. The first one provoked the creation of the Universités du Québec network (UQAM, UQTR, UQAR, etc.). The last one prevented Charest government from removing 103 millions from the bursaries program.

JOINT PROGRAM IN MANAGEMENT & LAW (MBA/LAW)

The **Joint Program in Management & Law (MBA/Law)** at McGill University is a unique program capitalizing on a long and successful tradition of simultaneously integrating common and civil law training with advanced management education. This challenging program prepares students for an active and diverse career.

Please join us for our upcoming information session at The Faculty of Law, where you will have the opportunity to meet one of our current MBA Law students.

Details:

Wednesday, March 14th from 12:30pm to 1:30pm
Chancellor Day Hall (3644 Peel Street) in room NCDH 203

If you are interested in attending, kindly RSVP to jonathan.khayat@mcgill.ca.

OUTLAW & mcCarthy
tetrault

present

BEING **LGBT** IN A BIG LAW FIRM



McGill OutLaw, in collaboration with McCarthy Tétrault, is proud to present an interactive panel on the experience of two McCarthy Tétrault lawyers, David Platts and Élisabeth Brousseau. How to tell if a firm is welcoming to LGBT students and lawyers? How to deal with coming out to colleagues or clients? Quels sont les avantages d'un milieu de travail diversifié, pour vous et pour les clients? These and other questions you may have about working at a big law firm will be addressed.

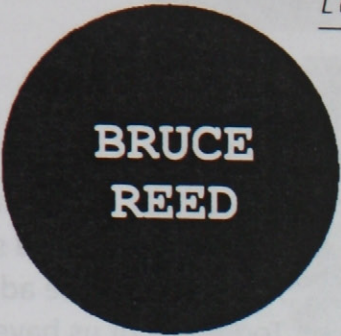
7 mars 2012

17 h 30 à 19 h

Thomson House, room 405



RSVP to alexander.ostroff@mail.mcgill.ca


 BRUCE
REED

GOVERNANCE AT MCGILL AND THE JUTRAS REPORT

The Principal's narrow mandate restricted Dean Jutras's investigation to the events of November 10th on our campus in and around the James Building .

I feel that the events of November 10th are a reflection of a much broader governance crisis at McGill, and just one symptom of a much deeper malaise. I cannot remember the administration taking such a wrongheaded approach in the past, and I have been associated with McGill for over 30 years.

I view McGill as a community of scholars working together as equals within a broader University community. The senior administration is attempting to impose a top down corporate hierarchy where directives come from above. The approach is fundamentally flawed and is causing serious damage to the University.

HOW SHOULD A UNIVERSITY BE GOVERNED?

The governance structures appropriate to an institution depend on its special functions and characteristics. A university is an institute of higher education, and a community of scholars engaged in research via rational inquiry. This must inform its governance structures.

A just democracy requires the promotion of an inclusive community, the enabling of debate from a wide variety of perspectives, institutions which allow the vulnerable to protect themselves from the powerful, continual efforts to redress inequality, and the provision to individuals of the capacity to choose their life path.

Universities play a crucial and multifaceted role in such a democracy. Firstly, education is one of the most powerful tools

for rectifying inequality, giving people the capacity to be free to choose their own path, and protect themselves and their communities. Secondly universities are the incubators of a wide variety of ideas which inform the debate so crucial to democracy. Thirdly, and perhaps most importantly for the present purposes, university governance can serve as a model to students of the type of participative democracy which a just society requires.

Academics must be free to pursue their own research agenda and interests, wherever it leads them. They must be free to question received wisdom, put forth unpopular ideas, and tread paths others view as dead-ends. Each researcher is the best judge of how she can advance society's interests. Furthermore, researchers who are choosing their own path serve as an example for students as to how they should live their lives. The goal of university governance should be to ensure that academics have the freedom and resources to pursue their own agendas, and to protect them against misguided attempts to curtail this freedom. Administrators must nurture the independent spirit which both democracy and intellectual breakthroughs require, and facilitate the implementation of the ideas which result.

As incubators of new ideas and champions of democratic discourse, universities should and traditionally have tolerated and even encouraged dissent.

WHAT IS WRONG AT MCGILL?

There are two problems with the senior administration at McGill, the direction in which they are taking the University and

the way they are steering it in that direction. The senior administration believes its role is to set McGill's course, and then ensure that the University docilely follows its lead. This is no way to steer a University. The senior administration employs an empty rhetoric of excellence, overemphasizes efficiency, and has misguided goals drawn from the corporate world. This is the wrong direction in which to take the University.

The new destructive top down approach to direction-setting was set out by the Principal at the March 5 2008 meeting of the McGill University Senate, where she stated:

The role of the a University's academic administration is to develop a strategic vision, set key priorities and manage the University, including the implementation of the policies set by our governing bodies. The role of the governing bodies is to provide advice in relation to that strategy... .

Her position, which she continues to act upon, contradicts the McGill Statutes, Section 6.3.2 of which states:

It [The Senate] shall exercise general control and supervision over the academic activities of the University, with special reference to the development of the curriculum and courses of study in the several faculties and schools; ...

This approach has resulted in policy formation by task forces handpicked by the principal rather than Senate Committees, in direction contravention of the statutes.

Other examples of this approach include the closing of the Architecture Café despite wide-spread protest, the banning of

bicycles at the whim of the Provost (and the delegation of security guards to enforce this whim), the ignoring of a decision on opt-out fees arrived at by students via a democratic referendum, and unilateral decisions about the pension fund using a process which even the Provost has admitted was flawed. There has also been a marked lack of attention to the views of the relevant academic community with respect to the appointment of Deans and other administrators, which, I have been told, led to one committee resigning en masse.

The composition of the Board of Governors, and the method by which new Governors are selected also shows a lack of commitment to bottom-up governance. At the University of Toronto, half the governing council consists of elected members of the student body, faculty, and administrative staff. A further 17% of the council consists of elected alumni, so that in total two thirds of the board is elected. At McGill, less than half the board is elected and only 8 of 25 members represent the members of the University community. The selection of the other governors who are to oversee the Principal's administration are chosen by a committee on which she serves and of which she is senior steward. This Board structure was adopted during the current Principal's term and, I believe, on her initiative.

In an article in the Winter 2005 issue of the McGill News, the new principal, when asked to set out her priorities for McGill, responded: Quality in our teaching, our research and the services that we provide to our students, our faculty, our alumni. We should be able to rank in the top ten of public universities in the world over the next decade. I believe we can do that. We've got to be focused and disciplined and, as well, expand our resource base dramatically to do it. The principal then hired Ann Dowsett Johnson, the journalist

who had been the architect of Maclean's magazine's ranking of Canadian universities but had no previous experience as an academic as Vice President of Development, Alumni, and University Relations. She was let go 18 months later.

There are two things wrong here, first the idea that McGill should be focused on rankings rather than leaving academics free to pursue their own paths, the only true way to achieve excellence. Secondly, the focus on obtaining resources to achieve high rankings, rather than the true core values of the University.

Some of these core values are academic freedom, freedom of speech, openness, tolerance, hard work, integrity, collegiality, democracy, justice and equity.

The Principal claims to hold these values dear, and to have done her utmost to uphold them, but many of her actions seem to belie this claim. Her attacks on democratic governance have been mentioned above. While the beating up of students by riot police was not a direct result of the administration's actions, I believe it is an indirect consequence of an intolerant lack of respect for freedom of speech exemplified most clearly, but not only, in V.P. Di Grappa's statement that students do not have a right to protest. The Principal's upping of tuition fees for the MBA with complete disregard for the ethos which permeates Quebec society, put the revenue needs of the University ahead of social justice and equity. Her championing of tuition fee increases is a further attack on these values. Her failure to involve the university community in making a collective decision on this issue is an attack on democracy. The lack of transparency of the current administration belies any commitment to openness.

McGill should be ashamed of the example it is setting with respect to governance. And it is all of McGill that should be asha-

med. Although, like many others I make a distinction between the senior administration and the university, the blame for what has occurred cannot be laid solely, as many have suggested, at the administration's door. Too many of us have, for too long, been silent and acquiescent and thereby complicit. This is the true governance crisis at the University. Collegial governance not only allows for a firm stand against wrongheaded overreaching by the administration, it requires it.

WHAT IS TO BE DONE?

One way or another, the approach of the senior administration must change.

All members of the university community must join together to ensure that this occurs. We should demand transparency, bottom up democratic government, and a true voice in University affairs. Senate should be restored to its proper role, and it should be chaired by an elected official who has no role in the administration. The ratio of elected to ex officio members should be increased.

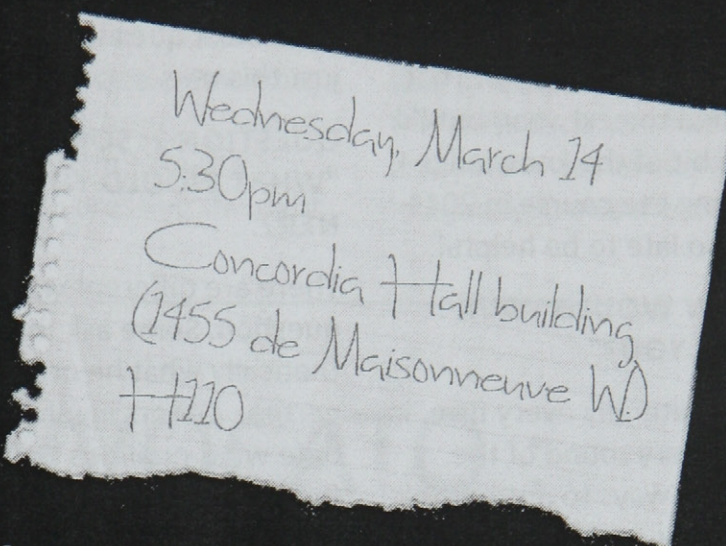
The Law Faculty, both students and professors, with its expertise in governance has an important role to play here.

We must protect academic freedom. We all have an important role to play here.

The Principal insisted that Dean Jutras should not make findings about or assign blame to specific individuals. As Professor Janda stated during the Senate's discussion of the Jutras Report on January 18 2012, if we are to learn from the events of November 10th, then responsibility must be taken for them. The university community as a whole needs to accept its responsibility for the more general failure of collegial governance which led to the lamentable occurrences of that day, so that this failure can be addressed.

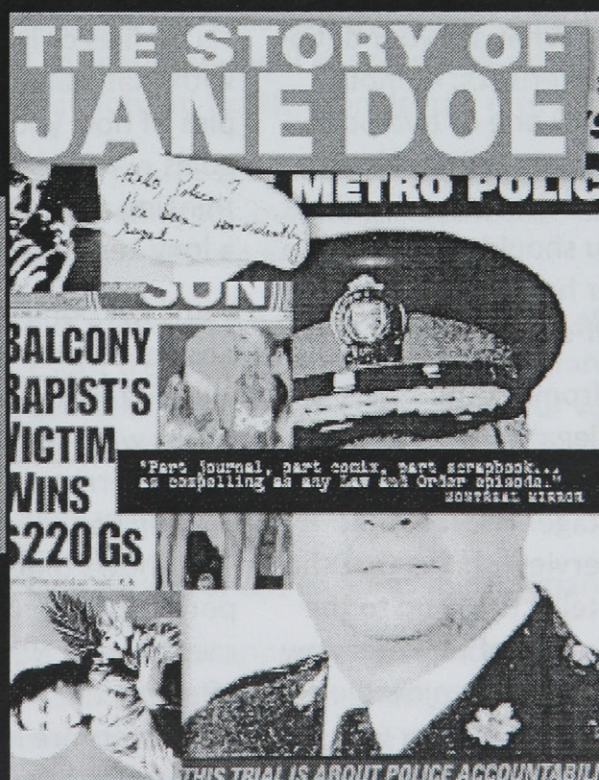
THE POLITICS OF RAPE

Drawing from her own experience as well as research and theory, Jane Doe will speak with us about the institutional barriers in policing, the media, health, education and the law which prevent meaningful discourse and resolution regarding the crime of sexual assault. She will discuss the use and efficacy of police warnings, the sexual assault evidence kit, the trial process and other responses which contribute to gender and race inequality, rape mythology and an abysmally low conviction rate nationally.

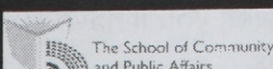
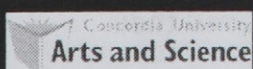
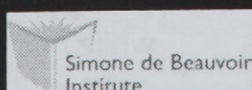



Followed by a book signing

Jane Doe is the woman who, after an 11 year court battle, successfully sued the Toronto Police Force for negligence and gender discrimination in the investigation of her rape. Her case and her book: *The Story of Jane Doe Jane* (Random House 2004), are taught in colleges and universities across Canada and internationally. Jane Doe is also a teacher and community organizer.



Presented by:





**MICHAEL
SHORTT**

NOT ROCKET SURGERY

THREE QUESTIONS EVERY LAW FIRM WILL ASK YOU DURING THE COURSE AUX STAGES

I'd planned for a long time to do a series of articles on the Course aux stages. That goal has been pushed to next year, but I'd like to share a little bit of the knowledge I picked up while doing the course in 2011. Hopefully it's not too late to be helpful.

QUESTION 1: "HOW WOULD YOUR FRIENDS DESCRIBE YOU?"

I got this question at literally every firm, in every interview, of every round of the course. There are two ways to answer this question: the right way, and the way I answered it the first time. The first time I was asked this question, I tried to use it as a chance to show off my legal and academic skills. That fell flat pretty quickly. The interviewer followed up with "No, seriously, how would your friends describe you?"

After that experience, I eventually figured out that what firms are looking for is a fairly honest description of you as a person in social settings. What are your defining personality characteristics: humour? loyalty? creativity? Pick one or two positive qualities that are somewhat relevant to the work world and that actually reflect your personality. You should probably also practice your answer here, since very few of us are good at self-description.

The broader lesson from this question is that academics and legal knowledge are less important at the interview stage than during the resume stage. The fact that you've gotten an interview shows that the firm thinks you're intellectually up to the challenge. The main point of the interview is to figure out if you'd be an enjoyable person to work with, and whether you have the social skills and judgment to represent the firm well to clients. Try to have this goal in the back of your mind when you think about how you're going to an-

swer most questions in the interview, not just this one.

QUESTION 2: SOME VARIATION ON "WHAT WOULD YOU DO AS A PARTNER?"

There are different ways to pose this question. Some ask the candidate hypothetically what he or she would do as a partner. Others involve asking the candidate what qualities the firm should look for in a partner. The common denominator in all of these questions is your ability to think about the firm and your role in it over the long term. This question also gives you an opportunity to demonstrate that you know something about the legal services market in Canada, and the structure of large law firms.

The meat of your answer should be that you'll help recruit clients and develop business. That's the main thing partners do, in addition to their role as lead counsel on files or in transactions. By starting with that statement, then showing examples of how you'd help achieve those goals, you'll establish yourself as forward-thinking and help interviewers see you as a long-term member of the firm.

You'll get bonus points if you can link your answer to their firm in particular. So if you were interviewing at Norton Rose OR, you might want to talk about building bridges with international clients, or getting incoming Canadian business from abroad. This shows that you understand the importance of Ogilvy Renault's recent merger with Norton Rose, and how that's affecting the global vision of their firm. Interviewers are expecting a good, but generic, answer to this question – so if you manage to give them a good and unique answer, you'll have exceeded their expectations.

QUESTION 3: IF YOUR LIFE SHOWS A CLEAR TRAJECTORY, AND THEIR LAW FIRM ISN'T ON IT, THEY'LL ASK YOU "WHY US?"

Going into the Course aux stages, my CV was very health-policy oriented. I had four years of summer jobs in health policy, and at the time I was the English Executive Editor of the McGill Journal of Law and Health. Yet in my cover letter and in interviews, I expressed a strong interest in Intellectual Property, and zero interest in practicing health law. As a result, every single interview involved the question: "Why not health law?" Similarly, I had a friend with a science background applying for a crown attorney job who was persistently asked "Why not intellectual property?" Finally, students who seem like flagrant flight risks are often asked "Why Montreal?"

This kind of question reflects the expectations that interviewers bring to the interview. These expectations will be based on the story that your resume and cover letter tell about you. If the interviewers find what seems like an inconsistency between their expectations and how you present yourself, they will ask you about it. Essentially, they see a trajectory in your past, and when they mentally extend that trajectory into the future, they don't see their firm on it. So they'll ask you to explain.

This isn't necessarily a sign of hostility or distrust; instead, they're giving you a chance to explain to them why your future doesn't fit the mold they infer from your past. In my case, I told them that while health policy was something I was good at, it wasn't something I wanted to do for the rest of my life. I then launched in to the story of how I became interested

in intellectual property, and that was the end of any questions on that front. Your results may differ, but keep in mind that interviewers are just trying to resolve the inconsistency between their expectations and what you're telling them. This question is an opportunity, not a threat.

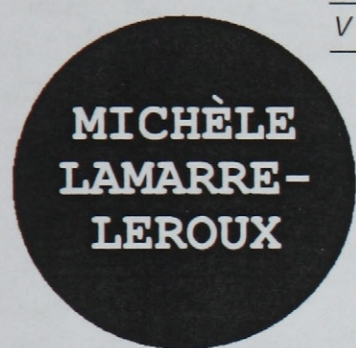
As a final note, the classic example of an inconsistency that would motivate this kind of question is someone who does human rights courses and volunteer work, then applies to a large multiservice law firm. The life path and personality that is

congruent with the human rights work is generally inconsistent with the kind of person who wants to do commercial litigation for the rest of their life. If you find yourself in this scenario, be ready to have a really good answer to this kind of question!

BONUS TIP: CORPORATE DRESS CODES

Everyone always tells you to "dress conservatively" for law interviews. But what does that actually mean, and how can you apply it to a given law firm? There's a pretty easy shortcut to dressing the right

way for a given firm: look up the profiles of several lawyers on the firm's website, ideally the same lawyers who will be interviewing you. Note how they're dressed, how they style their hair, and for women how they do their makeup and jewelry. A firm's website very literally shows the face that they wish to present to the world, hence lawyers' profile pictures give you a very good idea of what they are expecting from their staff. Match the dress code you find on the website, and your interviewers will find it easy to imagine you as a member of their firm.



VP-Internal

AVVOCATO : CAFETERIA UPDATE

A few weeks ago, I met with a representative from Aramark and Scott the cafeteria manager. Here is a brief rundown of what has changed since that meeting.

- The full breakfast is still available. You just have to ask Scott or Roula nicely and they will be glad to make it for you!
- If you thought the pasta portion had reduced, you are not crazy. In fact, it has gone from an oversized portion to a regular portion. The regular portion is based both on healthy sized portions and price concerns.
- Ils cherchent à réduire les prix des produits "Grab'n'go" dans les frigos à l'entrée. Plus de nouvelles sur ce sujet sous peu!
- There is fair-trade coffee! Your request has been answered, but apparently it is not selling a lot. Here's a hint: It was hidden behind the snacks rack and the bakery rack, next to the window. They are looking into the possibility of changing its position, without breaching their "exclusivity zone" contract with Starbucks.
- Nouveau! Salade de fruits! Elle est disponible pour vos déjeuners et dans le bar à salades pour le restant de la journée.
- NEW! Gluten free options! You can now ask for gluten free pastas at the pasta bar and gluten free bread for your sandwiches! Just kindly ask! More bread varieties to come if the demand is good.
- Nouveau! Chocolat Camino sans gluten! Plus de variétés et de formats disponibles bientôt.

- Look at the screens behind the cash and signs to know what's coming to your cafeteria! This way you will be sure not to miss the special chicken wings day!

- La grosseur des bols à salade a également changé. L'arrivée des gros bols noirs la dernière session fut une erreur de la part d'Aramark. Ils ont retiré les bols qui étaient anormalement gros, mais n'ont malheureusement pas ajusté les prix en conséquence du nouveau format. La situation devrait être rétablie sous peu.

- Don't forget the reduction on coffee price for using your coffee mugs. Benefit from an even greater rebate during the happy hours: 8 am – 10 am and 2 pm – 4 pm.

Scott, le manager, a également fait de gros efforts pour renforcer leur esprit d'équipe et vous offrir la plus grande qualité de service possible. Ils sont là tous les jours pour vous offrir un sourire alors j'ai pensé qu'il était approprié de vous les présenter.

Ceux qui vous accueillent à tous les matins : Scott et Roula

Ceux qui vous sourient en après-midi : Amanda et Iris

J'espère que vous appréciez le service qui vous est offert à VOTRE cafétéria, Avvocato. Si vous avez d'autres questions ou commentaires, n'hésitez pas à me les écrire à vp-internal.lsa@mail.mcgill.ca.

Great mentors require great students.

That's why we look for smart, motivated students who relish the opportunity to receive invaluable exposure, guidance and mentoring as they contribute to our firm and clients.

Learn more at oslerstudent.com

Osler, Hoskin & Harcourt LLP

OSLER

oslerstudent.com | Toronto Montréal Calgary Ottawa New York

DAVID
GROVES

Law |

THE OPTIMIST

THE ROBOCALL PROBLEM

Two weeks ago, news broke that Elections Canada is investigating fraudulent “robocalls” issued by a company that worked for the Conservative Party during the last election. Robocalls, which sound either terrifying or very cool depending on how much you like robots, are standard campaign fare in modern elections – you record a message telling people to vote for you, give it to a call centre with a list of numbers, and they send it out. The trick is, in over 20 ridings across Canada, the calls gave listeners false information about where to vote.

In the United States, controversial robocalls are commonplace. Just last week, Rick Santorum bombarded Michigan Democrats with messages suggesting that they vote for him in the Republican primary to sabotage Mitt Romney (the state runs open primaries, so anyone can vote). The most infamous calls, though, came in the 2000 South Carolina Republican Primary, where John McCain was accused of having an illegitimate child with a black prostitute. In reality, McCain has an adopted child from Bangladesh, but the attack sank in, George W. Bush carried the state, and good-thinking people everywhere shuddered in disgust.

But as slimy as the South Carolina and Michigan robocalls were, neither attempted to actually stop voters from casting their ballot. There is an important distinction to be made between someone saying something uncivil about their opponent and someone saying something that causes their listener not to vote at all, as the Canadian messages do. We often lament that our politics are getting uglier, but by focusing too much on lost civility, we may be ignoring a much worse form of decay.

There are, in other words, two types of political degeneration. The first is a collapse in decorum. Politicians become louder, more vicious, and less respectful of each other. If you were, say, angry that Justin Trudeau suggested that Harper has made him a separatist, or surprised to learn that you “stand” with “the child pornographers” simply because you don’t like the Vic Toews internet surveillance bill, you are experiencing the effects of this decline.

The thing is, decorum is and always has been a relative term. Trudeau Sr. had his “fuddy-duddy”; Mulroney once referred to a sitting ambassador as “an old whore.” The list could go on forever. To imagine that we ever existed in some universe where people battled for political power in a respectful, dignified manner is just absurd. Instead, we go through periods of comparative consensus and comparative discord, generally corresponding to how polarized our electorate is. The important thing is always that we confine the expression of political competition to legal, non-violent, productive forms – you can call your opponent a name, but you can’t hit them with a bat or tell someone else to. And Canada has rules, and regulators, that work to keep politicians in line.

It’s these rules, not the inherent civility of our elected officials, that keep our system healthy, and thus procedural deterioration, the second type of political decay, is far more pernicious. It comes about when politicians start to bend or break the written and unwritten rules of governance. A good example comes from the United States Senate, where, until recently, filibustering (blocking legislation by extending debate) was an uncommon tactic senators would only use in the most ex-

treme circumstances. Over time, though, as the requirements on maintaining a filibuster were weakened, it became a standard practice for the minority party, no matter the bill. Now, for all intents and purposes, you need to break a filibuster (60 votes out of 100) every time. As a result, the Senate has shuddered to a halt, a legislative vacuum from which nothing useful can escape.

When politicians change rules to their benefit, the ultimate victims are non-politicians. Filibustering becomes easier; the American people get a useless Senate. Misleading robocalls become the norm; Canadians are disenfranchised. What’s worse, these rule changes tend to stick around – politicians rarely re-impose constraints upon themselves. Now, voter suppression is an extreme example, and it doesn’t look like it will go unpunished, but it is also a good illustration of the kind of rule-challenging that, if left un-rebutted, is much more damaging to Canadian democracy than any particular insult or disrespectful tone.

So as we settle in to an increasingly polarized (and thus increasingly petty) political environment, we should expect a lot more invective, hyperbole, and feigned outrage. The House, never a bastion of enlightened or high-minded debate, is only going to get more ridiculous, and there’s not really any way for us to stop that. We should focus our concern and attention, however, on systemic deterioration – dirty tricks, the weakening of parliamentary procedure, shadowy campaign financing. Let’s worry less about what politicians are saying to each other, and more about what they’re actually doing.

QUICK QUESTIONS FOR THE LSA

Winter elections are fast approaching: it's already time to elect a new executive for your LSA! Pour vous inspirer, le Quid a demandé à aux membres de l'exécutif actuel de nous donner un aperçu de leur travail!

La date limite pour soumettre votre candidature est le 12 mars 2012. You have recently received an email from the CRO with all the details.

PRESIDENT

Catherine Coursol

What you do as President

Je m'assure de coordonner les différents projets des VP's et je suis le lien direct entre les étudiants et les membres de la Faculté.

Si votre poste était un sport, lequel serait-il?

Ce serait n'importe quel sport d'équipe puisque c'est vraiment nécessaire de travailler tous ensemble afin de faire avancer l'AÉD (football, hockey, soccer...).

The most annoying email you have ever received

Emails that I totally dislike are complaints that are not at all constructive and of course those without a solution...

The nicest email you have ever received

It makes me really happy when students send me emails saying that they are happy with what we did as the LSA.

The biggest misconception/myth about your job at the LSA

That we do nothing!

First word that comes to mind when someone says "LSA"

LS-YAY!

VP ADMIN

Caroline-Ariane Bernier

What you do as VP Admin

I keep da ship runnin' (All the administrative tasks that bore everyone out!)

Si votre poste était un sport, lequel serait-il?

Curling, it's harder than it looks.

The most annoying email you have ever received.

- a. Recurrent pattern: "Hi Éloïse, here are my answers for the Ipod Tombola";
- b. Recurrent pattern: "Hi Ian, how can I order a XL black hoodie?"
- c. The day after a listserv message was sent out: "Hi, where and at what time is [insert event]?"

What exotic destination do you venture off to in your head during LSA meetings and why?

My bed, I never see it.

First word that comes to mind when someone says "LSA"

Listsers.

The cool line you get to put in your CV to describe what you did for the LSA

"Perform administrative tasks: made the 2011-2012 student agenda, webmistress of the LSA/AED website, organize and plan meetings, sit on the McGill Law Faculty Council, send bi-weekly e-mails to the student body, help organize LSA activities and sponsored events, etc"

Worst or funniest mistake you have ever made as part of your job?

Like a BAWWS.

VP EXTERNAL

Ian Clarke

What you do as VP External

Go to and/or host a meeting every day, pass along info to interested parties, and be the LSA representative to all external bodies.

Si votre poste était un animal, lequel serait-il?

The pokemon, Ditto, because you have to change your stance/attitude/language/everything to suit the environment you find yourself in, which changes hourly.

The most annoying email you have ever received

That legal action was being brought against the LSA for scab labour because we used mcgill listsers.

The nicest email you have ever received

Someone said I was doing a great job during a rough time. It meant a lot.

The biggest misconception/myth about your job at the LSA

All I do is sell LSA clothing.

What exotic destination do you venture off to in your head during LSA meetings and why?

The mythical place where there is only one right answer.

Something curious or interesting you learned about the faculty

How much the rest of the McGill community looks up to us.

First word that comes to mind when someone says "LSA"

What did we do wrong this time.

The cool line you get to put in your CV to describe what you did for the LSA.

Had a bunch of meetings. Like a boss.

Being part of the LSA is like seeing your life unfold along the lines of what TV drama?

Lost. Oh look, another inexplicable event happened on campus again, joy.

Worst or funniest mistake you have ever made as part of your job?

Thinking I could be the Law Senator and VP-External at the same time while not failing miserably at school, woops!

VP CLUBS

Faiz Lalani

What you do as VP Clubs

I rigorously evaluate applications for funding and assist clubs in implementing their ideas.

Si votre poste était un sport, lequel serait-il?

Cricket, because it takes a team for me to do my job well.

The most annoying email you have ever received

I receive these once in a while, but they're probably the most annoying: "Where is the Bottin??"

The nicest email you have ever received

Whenever a student club sends us an email thanking us, I really do appreciate it.

What exotic destination do you venture off to in your head during LSA meetings and why?

My bed.

Something curious or interesting you learned about the faculty

That the TV in the students' lounge is actually sometimes watched.

First word that comes to mind when someone says "LSA"

Resolute.

Being part of the LSA is like seeing your life unfold along the lines of what TV drama?

The Bold and The Beautiful.

VP ACADEMIC

Georgia Papadolias

Si votre poste était un sport, lequel serait-il?

Football, particularly during orientation and the weeks leading up to final exams. You have been kindly warned.

The nicest email you have ever received

Response to an email about the law partners program: "Thanks Georgia! I appreciate the personalized email rather than getting an excel spreadsheet. Must have taken a lot of time, so thanks from all of us for the personal touch!"

The biggest misconception/myth about your job at the LSA

All I take care of is the law partners program in August and then my job is done

comme un tigre, un guépard ou une panthère.

The nicest email you have ever received

I'm always happy when sponsors tell me that it was a pleasure to work with me.

The biggest misconception/myth about your job at the LSA

Being VP-PR automatically gives you a «stage» in Montreal.

Something curious or interesting you learned about the faculty

The Dean's office, the secretaries, the janitors, the CDO and the SAO are really helpful and nice people! I already knew that but I only realized how much this year!

First word that comes to mind when someone says "LSA"

LS-yAy (I invented this pun by the way).

The cool line you get to put in your CV to describe what you did for the LSA

«Obtention de financement auprès des grands cabinets d'avocats de Montréal et de Toronto,

mettre sur pied une quarantaine d'événements sociaux et promotionnels et siéger sur le comité de direction du Centre de développement professionnel de la Faculté de droit de McGill.»

Being part of the LSA is like seeing your life unfold along the lines of what TV drama?

Gossip Girl or The City. Going to cocktails is part of my job.

VP FINANCE

Mike Mulroney

What you do as VP Finance

I make bank deposits, write cheques and try my best to keep track of it all.

Si votre poste était un sport, lequel



for the rest of the year. Please don't think this, it makes me want to cry and/or enter football mode.

First word that comes to mind when someone says "LSA"

Hide.

The cool line you get to put in your CV to describe what you did for the LSA

Last bullet point of that section of my CV: Please, please read my transcript with empathy.

VP PUBLIC RELATIONS

Éloïse Gagné

Si votre poste était un animal, lequel serait-il?

N'importe quel prédateur élégant...

serait-il?

Golf. You sometimes make big business transactions while you're doing it, but it's extremely frustrating if you don't know what you're doing and excruciatingly boring from everyone else's perspective.

The biggest misconception/myth about your job at the LSA

That I make spending decisions alone. VPs create their own budgets and the whole executive agrees on a final budget, which needs to be approved by students. Any exception to the allocated budgets or to the requisition rules requires the approval of the executive and every cheque that I write needs a second signature.

What exotic destination do you venture off to in your head during LSA meetings and why?

As long as I can get a second signature, I make sure that we do venture to exotic places for our meetings.

First word that comes to mind when someone says "LSA"

Solvent. The LSA is in a sound financial position, and that has little to do with me.

Worst or funniest mistake you have ever made as part of your job?

When you're in charge of finances, mistakes generally aren't funny. In November, my hard drive died after I had done a bunch of LSA bookkeeping but before I had backed it up. Fortunately, that was all of the work that I lost and it didn't take too long to redo.

VP INTERNAL (2 positions)

Michèle Lamarre-Leroux

Graham Splawski

What you do as VP Internal

MLL: I organize stuff!

GS: Plan events, and make sure everyone can get involved.

Si votre poste était un sport, lequel serait-il?

MLL: Le Soccer : jeu d'équipe, où on bâtit un jeu progressivement, avec ses allers retours, on prend une chance, on tire et COMPTE!

The nicest email you have ever received MLL:

"Thank you for organizing. Here are my suggested improvements for next time. Keep on going!"

GS: All the feedback from Orientation was super positive.

The biggest misconception/myth about your job at the LSA

MLL: The hardest part is not organizing, but making the publicity and getting people to attend your events.

What exotic destination do you venture off to in your head during LSA meetings and why?

MLL: Margarita Island, Venezuela, where the only thing you do is eat, sleep, and windsurf. All year long.

GS: Watching hockey.

Something curious or interesting you learned about the faculty

MLL: C'est dans les plans de rendre la porte d'entrée de Old Chancellor Day fonctionnelle à nouveau. Elle était rendue trop fragile pour être utilisée.

First word that comes to mind when someone says "LSA"

MLL: "Merde!" Parce que quelque chose que j'ai oublié de faire me revient soudainement à la mémoire.

GS: Cheerful.

Being part of the LSA is like seeing your life unfold along the lines of what TV drama?

GS: Suits

Worst or funniest mistake you have ever made as part of your job?

MLL: Budgeting! I am the worst at this.

BEVERLEY

UN/SOLICITED ADVICE

MOOT EDITION

With the help of my knowledgeable friend Bucci and our very own Marc James, recent McGill mooting champion, this week's edition is dedicated to all the 2Ls who will be mooting over the next couple of weeks. 1Ls take note (the same tips will be helpful for your mini-moot at the end of the month). Big thanks to our contributors for providing this week's insightful column.

Happy mooting everyone!

Dear Bucci,

The factum was a breeze. I loved curling up on the couch and navigating Azimut. I loved sipping mint tea and perfecting my point first writing. I loved getting lost in the hours of research. I loved reading my factum to... myself (Me Lamed has a good point; reading things out loud really helps with editing). That being said, the moot is a different story: it terrifies me. I've always had a fear of public speaking, and now I'm faced with this mandatory moot! I have honestly been afraid of it since my acceptance to McGill. As an experienced mooter, can you give some advice?
- *Missing Optimism, Overly Terrified*

MOOT,

Mooting can be a scary thing, especially if it's your first time and you're adverse to public speaking (as you seem to be). Have you considered faking an illness...?

In all seriousness, while the moot may seem daunting at first, it is not nearly as scary as other forms of public speaking. Remember: there will only be you, two (or three) judges, and three other students in the room. It is nothing like speaking in front of a room full of people! It's totally normal to be nervous your first time (as with anything). An important thing to

keep in mind: it's pass/ fail; if you show up, you pass.

It is important to stay calm; try and de-stress the night before. Consider watching TV or a movie, talking with family, or going for a nice meal with a friend or significant other.

Now I know that you, and most people reading this column, not only want get through the moot, but also want to do well. There really is no best way to prepare for a moot. Each person has their own approach to preparing, just like each person has their own approach to studying. That being said, here are a few things that worked well for me:

- o Practice your pleadings a couple of times while standing in front of a mirror
- o Know your factum! Judges will ask you questions, and you need to be ready to answer them.
- o Have a plan, but be flexible! The judge might not care about what you want to focus on. You can try to orient the judges towards what you think is important, but make sure to follow the cues that the judges are giving you.
- o Know what your partner is planning on doing! You don't want any surprises when you get to the moot.

Finally, here are a few more pointers for the day of the moot:

- o Dress appropriately! Pull out the dry-cleaned suit and the clean shirt and tie, and not the outfit that you wore to your sister's wedding that still smells like table wine and prime rib
- o Get to the room early to meet with your partner and make sure every-

thing is okay

o Be well rested and relaxed! Try not to book major things on the same day as the moot.

o Have fun and don't be afraid!

MOOT, I hope you will find my advice helpful. I wish you and your colleagues all the best!

Bucci

* * *

Don't worry 2Ls- the advice doesn't stop here. Here's some more advice from our recent mooting champion, Marc James:

1- "Let's talk about it"

First and foremost, always keep in mind that pleading is a conversation. Most of us are under the false impression that pleading is about hammering a point and looking "A Few Good Men" serious about it when doing so. This is absolutely wrong. When you're pleading, you're conversing, and the judge is your best friend. You want her on your side. Any other advice flows from this first and fundamental point.

2- "Why are you looking at the window?"

Always maintain eye contact. This is a serious conversation that you're having with a professional, and there's no one more important in the room than your interlocutor, the judge.

3- "Smile!"

Smile! Not always, not too much, be reasonable about it. But smile. You'll look more confident, the judge will be a better listener, and you'll - at least - look honest. All in all, it's just more pleasant. You should always smile, not only when mooting. But also when mooting. ...Smile.

4- "Pay attention to what the judge is doing"

When the judge is writing, stop talking. She's not listening. There is no point in having a conversation with someone who is not listening.

5- "Oh no! Questions!!"

Most judges will interrupt you and ask questions. This is generally how conversations go. And, again, this is a conversation!

Don't be nervous. This is not the end of the world. This won't waste your precious mooting minutes. This is what you're here for! Smile!! "I'm glad you brought that up Mrs Judge! That is a very important question Mrs Judge! Absolutely Mrs Judge, it is a good thing that we talk about this point".

6- "You're not answering the question. You're still not answering the question..."

When the judge asks a question, answer it immediately. As long as you haven't answered the question, the judge will not be listening to you. Her mind will be elsewhere. Don't, "I will address that point in my second part". Don't, "My colleague will speak to that point in a moment". Don't, "Well, I was going to address that point later, but I can talk about it now if you want". No one cares about "how, when and why" you were going to address the question. Just answer. Now. Please. Be ready to reorganize your plan accordingly.

If it really is your colleague's responsibility, answer the question as best you can, then tell the judge that your colleague will further elaborate on that point.

7- "Help the judge"

When the judge asks you a question, this is not necessarily because she disagrees! Keep in mind: the judge will soon have to write out her reasons. You may have brought up a sensitive point, and the judge needs advice on how to correctly spell that point out for his readers (be they lawyers or laymen).

8- "The Nuke"

What if one of the judge's questions just murdered you? What if she is absolutely right? And that if you answer honestly, you'll ruin your case?! My answer: be honest anyway. You may lose one of your arguments, but you will win in credibility (and credibility is essential).

Question: "Counsel, shouldn't the doctor have obtained the patient's consent before operating?" Answer: "Yes".

9- "But!"

Continuing on that last tip, when possible, make that "Yes" a "Yes, however...". In order to do this, STICK TO THE FACTS.

"Yes, however, the patient was unconscious when he was brought into the hospital (para 2 of the facts), and this was an emergency situation (para 6 of the facts). In any other situation, the doctor should have obtained the patient's consent, but, looking to our facts, this was impossible".

On a side note, don't start your answer with "The patient was unconscious when he was brought into the hospital...". That wasn't the question (see point 6). The question clearly required a "Yes" or "No" answer. Your answer should therefore begin with "Yes" or "No".

10- Please: shut up a bit.

As long as you're speaking, the judge is listening. She's not thinking. She CAN'T think. PAUSE. STOP. BREATH. Let the judge figure things out for herself. You will not get your point across as long as you keep talking.

Have you made your argument? Yes? Good. Now stop. Avoid aimlessly repeating what you've already said! Just: "Sssshhhhh". Look at the judge. Did she get it? Does she require any more explanations? Does she have any questions? No? Good. 3...2...1 now you can continue. Smile.

11- "But what about time?!"

Don't worry about it. Really. You don't need to read through your whole factum in fact, you shouldn't. Oh God! That would be horrible. The judge already read the damn thing! Now she has to listen to you reading it to her all over again?! I don't think so...

Pick a couple of points: the essential ones - your strongest ones. And that one horrible element that is killing your case, and that you just know the judge will want to discuss. That's all you need to talk about. Don't forget to refer to them, by paragraph number, so that the judge knows where she needs to look.

It is infinitely more important to have a clear, easy-going conversation with the judge, than to cover anything and everything.

That's all I've got! Pleading should be a lot of fun. Really! It's just a talk. Read your stuff, practice (in the shower, while driving, while lacing your boots, while walking up Peel, etc.), know it. Then go and show the judge that you're right!

Smile, present yourself, discuss, pause, listen, answer, continue, nod, disagree, explain, go on, stop, smile, conclude, sit down. Where applicable, let the upper year student buy you a drink when it's all said and done. Good luck!

* * *

Well folks, that's all for this week's Un/Solicited Advice. We don't have much to say without you, so please write in to dear.beverley@gmail.com - no question too silly! No comment too inane! No offer of a date will be left unconsidered!

xo,
Bev

OVERHEARD AT THE FAC

1L dans un cours d'ECO: Aujourd'hui, on ne veut pas obligatoirement de tous les enfants que Dieu nous envoie.

Prof. Piper: I also noted from your getting-to-know-you form that we have a lot of martial arts specialists in this class...

Me Grossman: A colleague of mine got really offended when the judge suggested "hot-tubbing".
[Editor's note: hot-tubbing refers to multiple expert witnesses testifying concurrently...]

1L: Why would someone enter into a contract with such an exoneration clause?

Prof. Jukier: It's like marriage, people are optimistic!

Me Lamed: You say, "I will produce that after the hearing", which is the admission that you don't know what the hell you're doing.

Me Lamed: You might feel tears welling up — DO NOT give in. Take it from me.

Prof. Piper: I don't know if "juicy" is the right word for a phonebook.

Prof. Gold: If you ever want to put a baby to sleep, read them the facts of *Henderson v Merritt*.

Prof. Jukier: The answer is... that's not the question.

Prof. Piper: The ad hominem argument: essentially the 'you suck' argument.

Prof. Bélanger: I thought I just had a phone, but now I know I have a dumb phone.

**ENVOYEZ VOS
OVERHEARDS!**

quid.overheard@gmail.com

1Ls, this applies to you too!

